

AMENDED IN ASSEMBLY APRIL 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 933

Introduced by Assembly Member Allen

February 18, 2011

~~An act to add Section 20404.5 to the Government Code, relating to public employments, and making an appropriation therefor. An act to add Section 20047.1 to the Government Code, relating to public employment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 933, as amended, Allen. Public employment benefits: state safety members.

The Public Employees' Retirement Law (PERL) creates the Public Employees' Retirement System (PERS), which provides a defined benefit to its members based on age at retirement, service credit, and final compensation. Under PERL employees belong to various membership categories, which include state ~~safety~~ *miscellaneous* members. ~~PERL includes specified employees of the Department of Corrections and Rehabilitation within the state safety member classification. Member contributions are deposited in the Public Employees' Retirement Fund, a continuously appropriated fund. State safety members generally make higher levels of contribution than state miscellaneous members. PERL prescribes increased industrial death or disability benefits to state miscellaneous members employed by the State Department of Developmental Services at the Porterville Developmental Center whose death or disability arises out of specified circumstances.~~

~~This bill would additionally include within the state safety member classification any person employed at a state prison or state hospital. The bill would make an appropriation by increasing the amount of employee contributions to the continuously appropriated Public Employees' Retirement Fund.~~

This bill would extend those benefits to state miscellaneous members employed by a state hospital, as specified.

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 20047.1 is added to the Government Code,
2 to read:
3 20047.1. "Industrial" with respect to state miscellaneous
4 members also means death or disability after January 1, 2012,
5 resulting from an injury that is a direct consequence of a violent
6 act perpetrated on his or her person by a patient or client of a
7 state hospital where more than 50 percent of the patients or clients
8 have been committed by a court if at the time of injury both of the
9 following apply:
10 (a) Any of the following applies:
11 (1) The member was performing his or her duties within a state
12 hospital.
13 (2) The member was within the state hospital but on a
14 recognized break during a prescribed working shift.
15 (3) The member was not within the state hospital but was acting
16 within the scope of his or her employment at the hospital and is
17 regularly and substantially as part of his or her duties in contact
18 with the patients or clients.
19 (b) Either of the following applies:
20 (1) The member was employed in a state bargaining unit for
21 which a memorandum of understanding has been agreed to by the
22 state employer and the recognized employee organization to
23 become subject to this section.
24 (2) The member was either excluded from the definition of state
25 employee in subdivision (c) of Section 3513 or was a nonelected
26 officer or employee of the executive branch of government who
27 was not a member of the civil service.

1 ~~SECTION 1. Section 20404.5 is added to the Government~~
2 ~~Code, to read:~~
3 ~~20404.5. “State safety member” shall also include any person~~
4 ~~employed at a state prison or state hospital.~~

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